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EXAMINER				
BAYARD, DJENANE M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,432

Applicant(s)

YI ET AL.

Examiner

DJENANE M. BAYARD

Art Unit

2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to communication filed on 7/25/08 in which claims 1-11 and 13-18 and 20 are pending.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues that Wang is silent about any secondary operation of converting the text only version from any other top-level GUI. Applicant is entitled to its own lexicography however a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, Wang teaches wherein the User interface is generated based on the information sent by the devices ((See pages 7-8, paragraphs [0102-0108]), page 9, paragraph [0113] and page 16, paragraph [0181]), secondly Wang teaches wherein the User interface is "customized" based on the remote access devices (See page 26, paragraph [0287]).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 and 6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. Evidence clearly suggests to one with ordinary skill that the claimed invention can be implemented as software routine. Therefore, the claims are rejected as a system claim of software per se, failing to fall within a statutory category of invention (See page 16).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11, 13-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2003/0009537 to Wang et al.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

a. As per claim 1, Wang et al teaches a user interface conversion system comprising a gateway wherein an integrated user interface is generated based on neutral user interfaces of devices residing on a home network (See page 9, paragraph [0113], page 15, paragraph [0169] and page 19, paragraph [0200], *generation of a top-level network user interface description for the browser default page that it renders to generate the top-level user control GUI*) and converted into a specific user interface suitable for a specific client of a user (See page 26, paragraph [0287], *customized home network top level GUI can be accommodated using XSL, or the gateway device may generate different versions*) wherein the gateway requests a control device to transmit a neutral user interface selected by the user from the integrated user interface (See pages 7-8, paragraphs [0102-0108]), page 9, paragraph [0113] and page 16, paragraph [0181], *a discovery process for every device gathers device information from devices connected to the network to generate the top-level user control page description for the home network*),

wherein the control device transmits the selected neutral user interface to the gateway (See page 16 , paragraph [0181] , and wherein the gateway converts the transmitted neutral user interface into a device specific user interface which is suitable for the specific client of the user (See page 16, paragraph [0181 and page 26, paragraph [0287-0288]).

b. As per claim 2, Wang et al teaches the claimed invention as described above. Furthermore, Wang et al teaches the gateway comprising: a device collection unit for collecting the devices including the neutral user interfaces residing on the home network (See page 9, paragraph [0113]; a device database for storing information on the devices collected by the device collection unit (See page 20, paragraph [0209]; an integrated user interface generator for generating the integrated user interface based on the information on the devices stored in the device database (See page 20, paragraph [0209]), ; and a user interface conversion unit for converting the integrated user interface generated from the integrated user interface generator into the specific user interface suitable for the specific client of the user (See page 26, paragraph [0287]).

c. As per claim 3, Wang et al teaches the claimed invention as describe above. Furthermore, Wang et al teaches the gateway further comprising a protocol unit that supports a protocol for searching for a one device residing on the home network (See page 16, paragraph [0182] and page 19, paragraph [0200])

d. As per claim 6, Wang et al teaches a user interface conversion system supporting various

devices, comprising: a control device for controlling predetermined devices residing on a home network (See page 26, paragraph [0288], *the remote user can access and control the home network device*); and a gateway for generating an integrated user interface based on neutral user interfaces of the devices residing on the home network at the request of a user for controlling the devices (See page 9, paragraph [0113], page 15, paragraph [0169] and page 19, paragraph [0200], *generation of a top-level network user interface description for the browser default page that it renders to generate the top-level user control GUI*) and converting the generated integrated user interface into a specific user interface supported in a specific client of the user (See page 26, paragraph [0287-0288], *customized home network top level GUI can be accommodated using XSL, or the gateway device may generate different versions*) wherein the gateway requests the control device to transmit a neutral user interface selected by the user from the integrated user interface (See pages 7-8, paragraphs [0102-0108]), page 9, paragraph [0113] and page 16, paragraph [0181], *a discovery process for every device gathers device information from devices connected to the network to generate the top-level user control page description for the home network*), wherein the control device transmits the selected neutral user interface to the gateway (See page 16, paragraph [0181]), and wherein the gateway converts the transmitted neutral user interface into a device specific user interface which is suitable for the specific client of the user (See page 16, paragraph [0181] and page 26, paragraph [0287-0288]).

e. As per claims 10 and 17, Wang et al teaches a user interface conversion method supporting various devices, comprising the steps of: (a) requesting, by a user, for a user interface supported in a user's own client (See page 26, paragraph [0287]); (b) transmitting neutral user

interfaces collected at the request of the user for the user interface (See page 26, paragraph [0293], *the process is initiated by user request and Remote Interface generator in the home network gateway device generates the directory page*); (c) generating an integrated user interface based on the transmitted neutral user interfaces ; (d) converting the integrated user interface into a specific user interface supported in the client of the user (See page 26, paragraph [0287-0288] *customized home network top level GUI can be accommodated using XSL, or the gateway device may generate different versions*); (e) transmitting the converted specific user interface to the client of the user (See page 26, paragraph [0287-0288]); (f) displaying the integrated user interface converted into the specific user interface on the client of the user (See page 27, paragraph [0294], *Remote access device displays the home network directory home page for user interaction*); (g) selecting a desired device from the integrated user interface displayed on the client (See page 27, paragraph [0295]; and (h) controlling the selected device (See page 27, paragraph [095-0296]). wherein (g) comprises: (g1) requesting a neutral user interface of the selected device; (See pages 7-8, paragraphs [0102-0108]), page 9, paragraph [0113] and page 16, paragraph [0181], *a discovery process for every device gathers device information from devices connected to the network to generate the top-level user control page description for the home network* (g2) receiving the neutral user interface of the selected device (See page 16, paragraph [0181]); and (g3) converting the received neutral user interface into a device specific user interface which is suitable for the client of the user (See page 16, paragraph [0181] and page 26, paragraph [0287-0288]).

f. As per claims 11 and 18, Wang et al teaches the claimed invention as described above. Furthermore, Wang et al teaches wherein step (b) further comprises the steps of: requesting an integrated user interface generator to transmit the neutral user interfaces at the request of the user, by a user interface conversion unit (See page 26, paragraph [0287-0288, 0293]; requesting a device collection unit to transmit the neutral user interfaces collected therein, by the integrated user interface generator; and retrieving the neutral user interfaces collected in a device database, by the device collection unit (See page 26, paragraph [0279, 0288 and 0293]).

h. As per claims 7 and 14, Wang et al teaches a user interface conversion method supporting devices, comprising the steps of: collecting the devices that include neutral user interfaces and reside on a home network (See page 16, paragraph [0180 and 0182]; extracting and storing information about the collected devices (See page 16, paragraph [0182], *reads the actual in use Ip address value, and builds a complete list of the IP addresses devices*); generating an integrated user interface based on the stored information about the devices (See pages 16 and 17, paragraph [0183]; and converting the generated user interface into a specific user interface supported in a client of a user (See page 26, paragraph [0287], *customized home network top level GUI can be accommodated using XSL, or the gateway device may generate different versions*) requesting a neutral user interface selected by the user from the integrated user interface (See pages 7-8, paragraphs [0102-0108]), page 9, paragraph [0113] and page 16, paragraph [0181], *a discovery process for every device gathers device information from devices connected to the network to generate the top-level user control page description for the home network*; receiving the selected neutral user interface receiving the neutral user interface of the selected device (See page 16,

paragraph [0181]); and converting the received neutral user interface into a device specific user interface which is suitable for the client of the user(See page 16, paragraph [0181 and page 26, paragraph [0287-0288]).

i. As per claims 4, 8 and 15, Wang et al teaches the claimed invention as described above. Furthermore, Wang et al teaches wherein the information on the devices stored in the device database is meta information on the devices and URL information for accessing the neutral user interfaces (See page 16, paragraph [0182-183]).

j. As per claims 5, 9, 13, 16 and 20, Wang et al teaches the claimed invention as described above. Furthermore, Wang et al teaches wherein the integrated user interface is described with the neutral user interfaces, wherein the integrated user interface is converted into at least the specific user interface of a plurality of specific user interfaces (See page 26, paragraph [0287]).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

/D. M. B./
Examiner, Art Unit 2441

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444